

2003 WL 24313547 (Conn.Super.) (Trial Pleading)
Superior Court of Connecticut.

Simon BLUSTONE,
v.
THIRTY THIRTY PARK, INC.

CV 03 0406997S.
October 10, 2003.

Complaint

The Plaintiff, By **Noel R. Newman**, Friedman, Newman, Levy, Sheehan & Carolan, P.C., One Eliot Place, Fairfield, CT 06824-5100, Juris No.: 37133, Telephone (203) 259-5300, Fax 203 259-2996.

COUNT ONE (Intentional Infliction of Emotional Distress)

1. At all times relevant hereto, the Defendant, Thirty Thirty Park, Inc., was a Connecticut corporation, which owned, operated, and maintained a nursing home and an independent living facility on 3030 Park Avenue in the City of Bridgeport, State of Connecticut.
2. At all times relevant hereto, the Plaintiff, Simon Blustone, was a resident in the aforesaid independent living facility since August 13, 1986.
3. The Plaintiff, Simon Blustone, is presently 81 years old.
4. On or about October 27, 2000, at approximately 10:30 p.m., the Plaintiff, Simon Blustone, was asleep in his apartment when seven unfamiliar people, including two police officers, a security guard, a physician, a psychiatrist, and two ambulance medics, entered the Plaintiff's apartment without first getting the permission of the Plaintiff, or giving him any notice or warning whatsoever that they planned to enter his apartment that night.
5. The aforesaid people who entered the Plaintiff's apartment were acting at the request of and with the authority of the Defendant and used the passkey provided by the Defendant to enter the Plaintiff's apartment.
6. Immediately upon the aforesaid people entering the Plaintiff's apartment, the psychiatrist began to demand answers from the Plaintiff for the purpose of a psychiatric evaluation and threatened to send the Plaintiff to the hospital for observation via a waiting ambulance if he refused to answer the questions.
7. After entering the Plaintiff's apartment and after conducting an interview and/or evaluation of the Plaintiff, the psychiatrist determined that the Plaintiff did not in fact require emergency hospitalization and the aforesaid people left the Plaintiff's apartment.
8. Prior to authorizing the aforesaid people to enter the Plaintiff's apartment, the Defendant knew that the Plaintiff was **elderly**, that he was worried about his **finances**, that he was anxious about the health of his wife, who had recently been transferred to a skilled nursing care facility for treatment of emphysema, and that entering his apartment unannounced would cause the Plaintiff to become agitated and suffer undue alarm.

9. The Defendant knew or should have known that the Plaintiff would be sleeping at 10:30 p.m. and that a psychiatric evaluation or questioning at such a late hour was not appropriate or warranted.

10. The Defendant knew or should have known that by authorizing seven unfamiliar people, including two police officers and two ambulance medics, to enter the Plaintiff's apartment at night without his consent would create an atmosphere of intimidation and surprise, thereby causing the Plaintiff to feel overpowered, anxious and unsettled, particularly in light of his advanced age.

11. By permitting, allowing and requesting that the aforesaid conduct take place, the Defendant intended to inflict emotional distress upon the Plaintiff, or knew or should have known that such conduct was likely to result in the Plaintiff suffering severe emotional distress.

12. The aforesaid conduct was extreme and outrageous, and caused the Plaintiff to suffer severe emotional distress, all to his **financial** loss and damage.

COUNT TWO (Negligent Infliction of Emotional Distress)

1.-10. Paragraphs 1 through 10 of Count One are hereby incorporated and made paragraphs 1 through 10 of this Count Two.

11. By the aforesaid conduct, the Defendant knew, or should have known that such conduct involved an unreasonable risk of causing emotional distress to the Plaintiff and that such distress might result in the Plaintiff suffering illness or bodily harm.

12. The aforesaid conduct was unreasonable, and caused the Plaintiff to suffer severe emotional distress, all to his **financial** loss and damage.

COUNT THREE (Invasion of Privacy)

1.-10. Paragraphs 1 through 10 of Count One are hereby incorporated and made paragraphs through 10 of this Count Three.

11. By the aforesaid conduct, the Defendant physically intruded upon the Plaintiff's that such an intrusion would be highly offensive to any reasonable person, such as the Plaintiff, thereby causing the Plaintiff to suffer an invasion of privacy and severe emotional distress, all to his **financial** loss and damage.

13. By the aforesaid conduct, the Defendant intruded upon the psychological solitude or integrity of the Plaintiff, thereby causing the Plaintiff to suffer an invasion of privacy and severe emotional distress, all to his **financial** loss and damage.

COUNT FOUR (BREACH OF CONTRACT)

1.-10. Paragraphs 1 through 10 of the Count One are hereby made paragraphs 1 through 10 of the Count Four Count.

11. Paragraph 16 entitled "Access to Apartment" of the General Rules portion of the parties' written agreement provides that "[t]he Corporation shall at all times have the right of access to all parts of the Resident's Apartment by use of a passkey or other means, for the purpose of inspection, repairs, housekeeping, or maintenance, and shall at all times have the right to require discontinuation or elimination of any unsafe or unsanitary condition of any kind."

12. By entering the Plaintiff's apartment by using a passkey as aforesaid for reasons other than inspection, repairs, housekeeping or maintenance, the Defendant breached the parties' agreement, all to the plaintiff's **financial** loss and damage.

WHEREFORE, THE PLAINTIFF CLAIMS:

1. MONEY DAMAGES;
2. PUNITIVE DAMAGES;

3. SUCH OTHER AND FURTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.

THE PLAINTIFF

By NOEL R. NEWMAN

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STATEMENT OF AMOUNT IN DEMAND

The plaintiff in the within action hereby claims money damages in excess of Fifteen Thousand (\$15,000.00) Dollars exclusive of interest and costs.

By NOEL R. NEWMAN

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